



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### March 2, 2021

#### MEMBERS, OCONEE COUNTY COUNCIL

Mr. John Elliott, Chairman, District I  
Mr. Paul Cain, Vice Chairman, District III  
Mr. Julian Davis III, Chairman Pro Tem, District IV  
Mr. Glenn Hart, District V  
Mr. Matthew Durham, District II

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Amanda F. Brock, County Attorney David Root, & Katie D. Smith, Clerk to Council present.

**Press:** Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [[www.oconeesc.com/council](http://www.oconeesc.com/council)]. In addition, it was made available [upon request] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Riley Morningstar / The Journal

#### **Call to Order**

Mr. Elliott called the meeting to order at 6:00 p.m.

#### **Public Comment Session**

*If you are not able to attend in person and you have a comment, you may submit it by contacting our Clerk to Council, Katie Smith at [ksmith@oconeesc.com](mailto:ksmith@oconeesc.com) or 864-718-1023, so that she may receive your comment and read it into the record.*

Ms. Jean Jennings addressed Council regarding trash bins in the Utica area.

#### **County Council Response to Public Comment**

Mr. Elliott noted Council received a letter from the Planning Commission [copy filed with backup materials] regarding adding deputies and will address the letter at the Budget, Finance, & Administration Committee meeting.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to amend the agenda to add “Discussion to list the former Free Gospel Holiness Church property for sale at a price such that will receive nothing less than fair market value” and to be discussed before the Demolition of former Free Gospel Holiness Church

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Action Item.

Mr. Cain responded to Ms. Jennings' comments that were made during the Public Comment session.

### **Moment of Silence**

Mr. Elliott asked for a moment of silence prior to the Invocation by County Council Chaplain.

### **Invocation by County Council Chaplain**

Mr. Root, County Council Chaplain, gave the invocation.

### **Pledge of Allegiance**

Mr. Cain the Pledge of Allegiance to the Flag of the United States of America.

### **Approval of Minutes**

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the February 16, 2021 Regular Minutes as presented.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the February 19, 2021 Strategic Planning Retreat Minutes as presented.

### **Administrator's Comments**

Ms. Brock addressed Council with the following items:

- Thanked Mr. Elliott of the acknowledgement of the letter from the Planning Commission
- Budget Workshop meeting is scheduled for 9am, Friday, March 19, 2021 in Council Chambers

### **Attorney's Comments**

Mr. Root addressed Council with the following items:

- Referring to the previous meeting regarding Ordinance 2021-06, Council made a motion to recall this ordinance from the Planning Commission and noted a motion and a second was needed to approve on second reading to bring forward for Council to discuss

### **Presentation to Council**

Ms. Meghan Ketterman, District 2 School Board Representative, addressed Council regarding Read Across America and gave a brief presentation.

A special guest of Ms. Ketterman's addressed Council and read "Read Across America Reader's Oath" into the record.

### **Proclamation 2021-02**

- Proclamation 2021-02 Recognizing March as Read Across America Month

Mr. Davis read **Proclamation 2021-02** into the record.

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Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Proclamation 2021-02** on first & final reading.

Ms. Ketterman and Dr. Michael Thorsland, School District of Oconee County Superintendent, came forward and accepted **Proclamation 2021-02**.

### **Presentation to Council**

Mr. David Irwin, CPA & Partner with Mauldin & Jenkins, LLC, addressed Council utilizing a PowerPoint presentation entitled “Oconee County, South Carolina Financial & Compliance Audit – June 30, 2020” and handouts entitled “Comprehensive Annual Financial Report (CARF) and Auditor’s Discussion and Analysis (AD&A) [copies of all filed with backup materials] and gave a brief presentation.

### **Public Hearings for the Following Ordinances**

*If you are not able to attend in person and you would like to be heard during the public hearings, please contact Katie Smith at [ksmith@oconeesc.com](mailto:ksmith@oconeesc.com) or 864-718-1023 so that she may coordinate your participation by telephone.*

*[None Scheduled.]*

### **Third Reading of the Following Ordinances**

None scheduled at this meeting.

### **Second Reading of the Following Ordinances**

**Ordinance 2021-06** “AN ORDINANCE AMENDING CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ESTABLISHMENT OF TRAFFIC CORRIDOR DESIGN STANDARDS, AND OTHER MATTERS RELATED THERETO.”

*Forwarded from the Planning & Economic Development Committee  
Recalled from the Planning Commission – 02.16.2021*

Mr. Cain made a motion, seconded by Mr. Davis, **failed** 1 – 4 [Mr. Davis, Mr. Cain, Mr. Hart, & Mr. Durham opposed] to approve **Ordinance 2021-06** on second reading.

**Ordinance 2021-07** “AN ORDINANCE INCREASING THE “NOT TO EXCEED” TAX RATE FOR THE KEOWEE FIRE TAX DISTRICT FROM 14.5 MILLS TO 17.5 MILLS, CONSISTENT WITH ARTICLE VI OF OCONEE COUNTY ORDINANCE 2003-12, WHICH ESTABLISHED THE KEOWEE FIRE TAX DISTRICT AND KEOWEE FIRE COMMISSION.”

*General Government matter*

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to approve **Ordinance 2021-07** on second reading.

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## First Reading of the Following Ordinances

~~Ordinance 2021-08 “AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE LITTER CONTROL ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA.”~~

~~Forwarded from the Law Enforcement, Public Safety, Health & Welfare Committee  
First Reading postponed as final draft of proposed ordinance is further revised~~

## First & Final Reading of the Following Resolutions

**Resolution 2021-04** “A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF SUPPLEMENTAL AGREEMENT No. 3, AMENDING LEASE NO. DACW21-1-14-2011 BETWEEN OCONEE COUNTY AND THE UNITED STATES OF AMERICA, AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Davis, approved 5 – 0, to approve **Resolution 2021-04** on first & final reading.

## Discussion Regarding Action Items

**Transfer Station Floor Replacement / Solid Waste / Project:                 \$115,000.00**  
**Contingency:                                 \$11,500.00**  
**Total Award:                                 \$126,500.00**

The transfer station floor at Solid Waste is in need of repair due to operational abrasion and deterioration from leachate, which is expected wear and tear. The original floor was installed in August of 1998 and lasted 8 years, 11 months. In May of 2007, the floor was replaced with a 6-inch free floating wear surface floor; which allowed for sections to be removed and replaced if needed. The floating floor was awarded to Leak & Associates under Invitation for Bid No. 06-26. This bid was for replacing steel plating on the walls, replacing a wall and to replace the transfer station floor. The County received two submissions with only one that included pricing for the floor replacement; Leak & Associates was awarded the contract. The wear floor that was installed in 2007 has lasted 13 years and 8 months. It is now showing wear around the edges and in the center and requires replacement.

Leak & Associates specializes in transfer station design and repairs. Their main area of expertise centers around a proprietary transfer station concrete mix design and specialize installation guidelines unique for the application of waste tipping floors. This design was developed for the sole use of Leak & Associates and is not available for distribution or use by others. With this type of application, the transfer station will only be down for 4 to 5 days, depending on weather. If the County chooses to pour a standard concrete floor, the down time would be 17 days +/-.

Leak & Associates, Inc.’s proprietary concrete mix design and specialized installation guidelines unique to Waste Tipping Floors, render them uniquely suited to provide the services requested.

It is the staff’s recommendation that Council [1] approve the Sole Source Award for the Transfer Station Floor Replacement to Leak & Associates of Monroe, NC in the amount of \$115,000.00, plus a 10%

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contingency of \$11,500.00 for a total award of \$126,500.00 and [2] authorize the County Administrator to sign any change orders within the contingency amount.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to [1] approve the Sole Source Award for the Transfer Station Floor Replacement to Leak & Associates of Monroe, NC in the amount of \$115,000.00, plus a 10% contingency of \$11,500.00 for a total award of \$126,500.00 and [2] authorize the County Administrator to sign any change orders within the contingency amount.

### **O'Brien 750 Trailer Mount Sewer Cleaner (Culvert/Pipe Washer) / Roads & Bridges / \$69,460.00**

**Budget:** \$69,460.00 / **Project Cost:** \$69,460.00 / **Balance:** \$0.00

This purchase is for an O'Brien 750 trailer mount sewer cleaner which will be used as a culvert/pipe washer by the Roads and Bridges Department to clean storm drains, catch basins, and culverts. An added benefit to having this unit is the cost reduction and conflict with utilities that happens during a full culvert replacement. The Fleet Maintenance Director also approves this purchase.

The County is utilizing the North Carolina Sheriffs' Association contract through a cooperative purchasing agreement. The contract discount is 3% off the list price of the equipment and 6% off the list price of attachments and accessories. Carolina Industrial Equipment of Charlotte, NC is also offering an additional dealer discount of \$3,508.97 off of the contract price for the trailer mount sewer cleaner (culvert/pipe washer) and attachments.

It is the staff's recommendation that Council approve the purchase of the O'Brien 750 trailer mount sewer cleaner from Carolina Industrial Equipment of Charlotte, NC in the amount of \$69,460.00.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve the purchase of the O'Brien 750 trailer mount sewer cleaner from Carolina Industrial Equipment of Charlotte, NC in the amount of \$69,460.00.

### **Amended Agenda Item**

*[Agenda was amended earlier in the meeting – see Council member comments]*

Mr. Davis made a motion, seconded by Mr. Cain, to list the former Free Gospel Holiness Church property for sale at a price such that will receive nothing less than fair market value.

Lengthy discussion continued.

Ms. Brock addressed Council utilizing a handout entitled "Westminster Magistrate / Former Free Gospel Holiness Church expenses to date" [copy filed with backup materials].

Regarding the previous motion made by Mr. Davis, seconded by Mr. Cain, it was approved 5 – 0, to list the former Free Gospel Holiness Church property for sale at a price such that will receive nothing less than fair market value.

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<b>Demolition of former Free Gospel Holiness Church / Magistrate /</b>	
<b>PO 54186</b>	<b>\$41,010.00</b>
<b>Abate / Demo</b>	<b>\$44,007.00</b>
<b>Total:</b>	<b>\$85,017.00</b>

**Budget:** \$85,017.00 / **Project Cost:** / \$85,017.00 / **Balance:** \$0.00

On March 3, 2020, County Council approved the RFP 19-03 Design Build Services to Trehel Corporation for the initial Schematic and Design Phases in the amount of \$15,000.00. On August 18, 2020, the Real Estate, Facilities & Land Management Meeting made a motion directing staff to present the proposed construction documents and Construction phase of the project to County Council once funding has been identified.

In order to keep progress on the project and to have everything ready to begin construction once approved by Council, Purchase Order 54186, in the amount of \$41,010.00, was issued for Architectural and Engineering Design and Permit documents.

On February 10, 2021, a large 2 ft. diameter hole in the roof was discovered. Facilities Maintenance went to patch the hole and found the roof is in poor condition and too dangerous for staff to walk on to repair.

The pricing provided by Trehel Corporation included cost for abatement and demolition to the slab. The abatement will require DHEC permitting and is estimated to take 2 weeks to receive a response from DHEC. The demolition and removal is estimated at 2 weeks after permits are received. Staff is requesting Council approval to move forward with the abatement and demolition portion of the project.

It is the staff's recommendation that Council approve the abatement and demolition of the former Free Gospel Holiness Church in the Amount of \$44,007.00 making the total purchase order to Trehel Corporation \$85,017.00.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to postpone the abatement and demolition of the former Free Gospel Holiness Church.

<b>Heritage Farms Eastern Entrance &amp; Road Improvements / Roads &amp; Bridges /</b>	
<b>Project:</b>	<b>\$382,747.23</b>
<b>Contingency:</b>	<b>\$19,137.36</b>
<b>Total Award</b>	<b>\$401,884.59</b>

**Budget:** \$401,977.21 / **Project Cost:** \$401,884.59 / **Balance:** \$92.62

This bid was issued January 7, 2021 to select a Contractor to provide construction services for new turn lanes and an eastern entrance road to the Heritage Farm Center located on US Hwy 123. The base bid is for all work within the limits of roadway construction, including clearing and grubbing, roadway construction, paving, erosion control, storm drainage and grassing.

This bid was advertised and emailed to thirty-four bidders. On February 9, 2021, formal sealed bids were

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opened. Two (2) companies submitted bids with Thrift Development Corp. of Seneca, SC, submitting the lowest responsive and responsible bid of \$382,747.23.

It is the staff's recommendation that Council [1] approve the award of bid ITB 20-01, Heritage Farm Center Eastern Entrance & Road Improvements to Thrift Development., of Seneca, SC in the amount of \$382,747.23, plus a 5% contingency of \$19,137.36, for a total award of \$401,884.59 and [2] authorize the County Administrator to execute documents for this project and sign any change orders within the contingency amount.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to [1] approve the award of bid ITB 20-01, Heritage Farm Center Eastern Entrance & Road Improvements to Thrift Development., of Seneca, SC in the amount of \$382,747.23, plus a 5% contingency of \$19,137.36, for a total award of \$401,884.59 and [2] authorize the County Administrator to execute documents for this project and sign any change orders within the contingency amount.

## **Council Committee Reports**

### **Transportation Committee**

Mr. Hart read from a prepared statement [copy filed with backup materials] outlining discussions held at the February 16, 2021 Transportation Committee.

Mr. Hart made a motion, seconded by Mr. Davis, approved 5 – 0, to approve the acceptance of Twin View Drive (P-3723) into the county road system contingent on receiving all required right-of-way.

Mr. Davis made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve acceptance of Lake Breeze Lane (P-3424), Quiet Water Way (P-3428), Baywood Court (P-3529), and Windy Pines Lane (P-3426) into county road system contingent on receiving all required right-of-way.

### **Law Enforcement, Public Safety, Health, & Welfare**

Mr. Durham read from a prepared statement [copy filed with backup materials] outlining discussions held at the February 16, 2021 Law Enforcement, Public Safety, Health, & Welfare Committee.

Mr. Durham made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the model Intergovernmental Jail Services Agreement template to be used by the Oconee County Sheriff and local municipalities.

## **Board & Commission Appointments**

### **Building Codes Appeal Board**

No nomination was made for the At-Large seat during this meeting.

### **Conservation Bank Board**

Mr. Hart made a nomination, approved 5 – 0, to appoint Mr. Scuddy Walker as the District V representative on the Conservation Bank Board.

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Library Board

Mr. Cain made a nomination, approved 5 – 0, to appoint Mr. Nicklaus McKinney as an At-Large representative on the Library Board.

Executive Session:

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to enter into Executive Session for the following purposes, as allowed for in § 30-4-70(a) of the South Carolina Code of Laws:

*[1] Discussion regarding an Economic Development matter, Project Rise.*

*[2] Receive legal advice and discuss economic development matter regarding Project Palmetto.*

Council entered Executive Session at 7:02 p.m.

Council returned from Executive Session at 7:40 p.m. on a motion made by Mr. Davis, seconded by Mr. Hart, approved 5 – 0.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to direct staff to continue negotiations as discussed regarding Project Rise.

Adjourn:

Mr. Davis made a motion, approved unanimously, to adjourn at 7:41 p.m.

Respectfully Submitted:

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Katie D. Smith  
Clerk to Council

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